

JUL 28 2005

003

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---|------|--|--|
| Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005 | | Complete If Known Application Number: 10/773,630 Filing Date: February 6, 2004 First Named Inventor: Eric Herbst Examiner Name: Charles E. Phillips Art Unit: 3751 Attorney Docket No.: FOOT100001000 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | | |
| TOTAL AMOUNT OF PAYMENT | (\$) | 125.00 | |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 04-0566 Deposit Account Name: DeLio & Peterson, LLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)
 Each independent claim over 3 (including Reissues)
 Multiple dependent claims

| Fee (\$) | Small Entity Fee (\$) |
|----------|-----------------------|
| 50 | 25 |
| 200 | 100 |
| 360 | 180 |

Total Claims: 36 - 20 or HP = 1 x 25.00 = 25.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims: 6 - 3 or HP = 1 x 100.00 = 100.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets: _____ Extra Sheets: _____ Number of each additional 50 or fraction thereof: _____ Fee (\$): _____ Fee Paid (\$): _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

| | | | |
|-------------------|----------------|-------------------------|--------------------------|
| SUBMITTED BY | | Registration No. | Telephone (203) 787-0595 |
| Signature | | (Attorney/Agent) 47,898 | |
| Name (Print/Type) | Kelly M. Nowak | Date | July 28, 2005 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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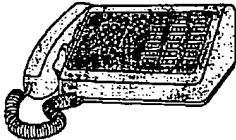
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TELEPHONE (203) 787-0595
FACSIMILE (203) 787-5818
E-MAIL delpet@delpet.com



FACSIMILE COVER LETTER

| | | | |
|---------------------------|---|-------------------------|-------------------------|
| Our Ref.: | FOOT100001000 | U.S. Serial No.: | 10/773,630 |
| Fax No. Called: | (571) 273-8300 | Filed: | February 6, 2004 |
| Please Deliver To: | Examiner Charles E. Phillips Art Unit 3751 | | |
| From: | Kelly M. Nowak | | |
| Date: | July 28, 2005 | Time: | |

We are transmitting **33** pages (including this cover sheet)

MESSAGE:

OFFICIAL PAPERS

AMENDMENT AFTER FINAL REJECTION attached

Please confirm receipt of this facsimile

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PTO/SB/21 (09-04)

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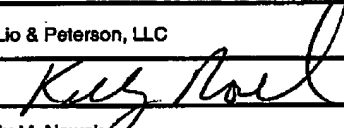
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| | | | |
|--|----------------------|------------------------|---------------|
| TRANSMITTAL FORM | Application Number | 10/773,830 | |
| | Filing Date | February 6, 2004 | |
| | First Named Inventor | Eric Herbst | |
| | Arl Unit | 3751 | |
| | Examiner Name | Charles E. Phillips | |
| (to be used for all correspondence after initial filing) | | Attorney Docket Number | FOOT100001000 |
| Total Number of Pages in This Submission | | 31 | |

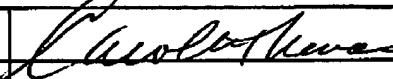
| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks _____ | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | DeLio & Peterson, LLC | | |
| Signature |  | | |
| Printed name | Kelly M. Nowak | | |
| Date | July 28, 2005 | Reg. No. | 47,898 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|---|------|---------------|
| Signature |  | | |
| Typed or printed name | Carol M. Thomas | Date | July 28, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AFTER FINAL

DOCKET: FOOT100001000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | |
|--------------|--------------------|---|-----------|---------------------|
| INVENTOR: | Eric Herbst |) | EXAMINER: | Charles E. Phillips |
| | |) | | |
| SERIAL NO.: | 10/773,630 |) | ART UNIT: | 3751 |
| | |) | | |
| FILING DATE: | February 6, 2004 |) | DATE: | July 28, 2005 |
| | |) | | |
| FOR: | FOOT OPERATED |) | | |
| | FLUSHING APPARATUS |) | | |
| | AND METHOD |) | | |

AMENDMENT AFTER FINAL REJECTION

MAIL STOP AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Final Rejection Office Action mailed July 18, 2005, please
amend the application as follows:

07/29/2005 LWONDIM1 00000041 040566 10773630

| | |
|------------|-----------|
| 01 FC:2202 | 25.00 DA |
| 02 FC:2201 | 100.00 DA |